

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald P. Bushby)
) ART UNIT: 3772
Serial No: 10/817,172)
) Examiner: Tarla R. Patel
Filed : April 2, 2004)
)
For : SYSTEM FOR TREATMENT OF PLANTAR FASCIITIS)

Mail Stop Amendment

The Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313 -1450

November 18, 2008

DECLARATION UNDER 37 C.F.R. 1.132

My name is David M. de Lemos M.D., Assistant Professor, Department of Pediatrics, Section of Emergency Medicine, Baylor College of Medicine, Houston, Texas, and I hereby make the following declarations:

I am familiar with Mr. Donald P. Bushby and his device for the treatment of plantar fasciitis for which the above referenced patent application is pending. I have no financial relationship with Mr. Bushby and hold no financial interest in his invention.

My wife (Helen) has suffered from plantar fasciitis for a number of years. Her condition limited her ability to run and particularly to compete in marathons. After trying many forms of treatment over a period of years such as custom orthotics and nighttime bracing with only limited success, we heard second hand about Mr. Bushby's invention. Contact was made between Mr. Bushby and us, and my wife began a brief trial of using Mr. Bushby's device shortly thereafter.

It is my opinion, as a medical professional with medical and personal knowledge of the debilitating effects of plantar fascia, that the stretch resistant sole portion with a strong adhesive layer restricts the extension and stretching of the outer skin tissue. This unique combination shares the tension forces that are applied to the plantar fascia with the outer skin tissue, adhesive layer and stretch resistant sole member to prevent excessive tensile stress in the plantar fascia. The device is able to effectively treat as well as prevent plantar fasciitis by reducing the tensile stress in the plantar fascia.

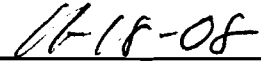
I believe Mr. Bushby's product provides a solution to the long-standing problem, which is the need for a product to prevent damaging tensile stress in the plantar fascia while allowing the user to remain active in athletic activities.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment or both under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



David M. de Lemos, M.D.



Date